



## U.S. Department of Justice

United States Attorney  
Southern District of New York

The Jacob K. Javits Federal Building  
26 Federal Plaza, 37th Floor  
New York, New York 10278

February 25, 2024

**BY ECF**

The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: United States v. Whitehead, S1 22 Cr. 692 (LGS)**

Dear Judge Schofield:

The Government writes to respectfully request, on behalf of the parties, that the Court give the following limiting instruction upon the admission of text messages and recordings of meetings or calls between the defendant and Brandon Belmonte:

Recordings of conversations between Brandon Belmonte and the defendant, and text messages exchanged between Belmonte and the defendant have just been admitted as evidence. The statements made by Belmonte on the recordings and in the text messages are not to be considered for their truth. Instead, they are being admitted to provide context for statements made by the defendant; for their effect on the defendant as the listener to or recipient of Belmonte's statements; or as statements the defendant adopted based on his responses or lack of objection or response. You should consider Belmonte's statements only for those purposes, and should not consider Belmonte's statements for the truth of the matters asserted therein.

In addition, the defense requests that upon the admission of evidence pursuant to Federal Rule of Evidence 404(b), the Court give the "Similar Acts" instruction that was included in the parties' joint requests to charge. (Dkt. 124 at 54). The Government does not object to this request.

Respectfully submitted,

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